

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S

S E P T E M B E R 1 6 , 2 0 0 4

The regular meeting of the City Planning Commission convened Thursday, September 16, 2004, at 1:35pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Charles Greenberg, Nick Sramek,
Matthew Jenkins, Mitch Rouse

ABSENT: EXCUSED: Charles Winn, Morton Stuhlbarg,
Leslie Gentile

CHAIRMAN: Charles Greenberg

STAFF MEMBERS PRESENT: Greg Carpenter, Planning Bureau Manager
Angela Reynolds, Advance Planning
Carolyn Bihn, Senior Planner
Lynette Ferenczy, Planner
Jayme Mekis, Planner

OTHERS PRESENT: Mike Mais, Assistant City Attorney
Scott Mangum, Community Planner
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

Commissioner Sramek led the pledge of allegiance.

M I N U T E S

The minutes of August 5, 2004 were approved on a motion by Commissioner Rouse, seconded by Commissioner Jenkins and passed 4-0. Commissioners Winn, Stuhlbarg and Gentile were absent.

The minutes of August 19, 2004 were approved on a motion by Commissioner Rouse, seconded by Chairman Greenberg and passed 2-0-2, with abstentions from Commissioners Sramek and Jenkins. Commissioners Winn, Stuhlbarg and Gentile were absent.

S W E A R I N G O F W I T N E S S E S

C O N S E N T C A L E N D A R

Items 1A, 1B and 1C were approved as presented on a motion by Commissioner Sramek, seconded by Commissioner Jenkins, and passed 4-0. Commissioners Winn, Stuhlbarg and Gentile were absent.

1A. Case No. 0406-27, Conditional Use Permit, CE 04-129

Applicant: Long Beach Unified School District
Subject Site: 2800 Snowden (Council District 5)
Description: Request to install and operate an electronic message center (school announcements and activities only) at R. A. Millikan High School.

Approved the Conditional Use Permit, subject to conditions.

1B. Case No. 0406-25, Tentative Map, CE 04-128

Applicant: Kimberly A. Holtz for DMC Engineering
Subject Site: 8105-8195 Wardlow Road (Council District 5)
Description: Approval of Tentative Map No. 60270 for the purpose of creating two single commercial lots in the CCA (Community Commercial, Automobile Oriented) Zone District.

Approved the Tentative Map, subject to conditions.

1C. Negative Declaration 05-04

Applicant: Anthony K. Norman
Subject Site: 1219 Pacific Avenue
Description: New construction of two modular buildings on existing church property for daycare and fellowship hall.

Continued to October 21, 2004 meeting.

R E G U L A R A G E N D A

2. Zoning Ordinance Amendments

Applicant: Fady Mattar, Acting Director of Planning and Building
Subject Site: Citywide
Description: Proposed amendment to Zoning Ordinance and to the Local Coastal Program, permitting live nude modeling for the purpose of art drawing, and 'computer cafes' with ten or less computers as an accessory use.

Carolynne Bihn presented the staff report recommending that the Commission recommend that the City Council adopt the amendments as presented.

In response to a query from Commissioner Sramek, who noted that area Councilman Baker had recommended accessory uses in

situations with four to eight computers, Ms. Bihn replied that ten was a more realistic number for the size of the typical café. Assistant City Attorney Mais added that based on his research, ten was the typical cutoff for many other cities.

In response to a query from Chairman Greenberg regarding licensing of art studios and galleries, Mr. Mais said that they had to possess a City business license, and that he would add the word 'duly' to the recommendation.

Shelly Rugg Thorp, 2215 E. Bermuda Street, volunteer co-director at Koos Art Center, East Village, thanked the staff and Commission for working with the galleries to legalize legitimate modeling.

Ed Fosmire, 110 W. Ocean Blvd., #20, representing the Public Corporation for the Arts, expressed their support for the amendment.

Commissioner Sramek moved to recommend that the City Council adopt the amendments to the Zoning Ordinance and to the Local Coastal Program with the additional licensing language. Commissioner Jenkins seconded the motion.

Chairman Greenberg suggested that a five-year review be added to the conditions to see if any changes needed to be made, given the historical problems with nude photography. The makers of the motion okayed the addition of the review period requirement.

The question was called, and the motion passed 4-0. Commissioners Winn, Stuhlbarg and Gentile were absent.

3. Case No. 0408-07, Modification

Applicant: Bill Ridgeway Design
Subject Site: 2725 South Street (Council Dist. 9)
Description: Request to modify an existing CUP (9002-40) allowing a recycling center in the Light Industrial Zone District.

Jayne Mekis presented the staff report recommending approval of the modification, since the currently existing center was generally well-maintained and was providing beneficial community services, and because the project operations should not be detrimental to the public welfare, health and safety, as per the conditions of approval.

Chairman Greenberg asked why a Zoning Enforcement case against the applicant, initiated due to issues of cleanliness and sanitation, was on hold. Mr. Carpenter replied that enforcement cases were typically put on hold pending the outcome of a Commission decision, since there was an ongoing concern that the areas of non-compliance be dealt with, requiring the applicant to follow old as well as new conditions of approval.

Bill Ridgeway, 5633 Sorrento, applicant representative, stated that they agreed with all the conditions of approval. He also promised that the applicant would come into compliance with all conditions of approval within six months.

Commissioner Sramek said he wanted to retain the condition disallowing transport of recyclables in shopping carts to discourage nuisance scavenging in the neighborhood. Mr. Ridgeway remarked that many of their clients had no other way to bring materials, and that the applicant would return the shopping carts to the stores. Commissioner Sramek added that he wanted concrete as well as metal storage bins, neither visible to the public.

Mr. Carpenter noted that the purpose of the condition was to ensure that refuse was not blowing around, but contained in storage bins.

Mr. Ridgeway asked that the word 'recyclable' replace 'redeemable' in Condition 24g, and that the allowable processing activities in Condition 24h include only compressing and crushing.

In response to a concern expressed by Commissioner Sramek regarding the existing code enforcement issue, Mr. Ridgeway replied that much of the litter mentioned in the complaint did not originate from the subject site, and that they were trying to address traffic complaints by using satellite pick up stations.

Chairman Greenberg pointed out that the applicant's history did not give the Commission confidence that yet more conditions of approval would improve the operation.

David Uribes, 2725 South Street, applicant, stated he was unaware until recently that there were any conditions of approval to follow, since he had recently purchased the business. Mr. Uribes stated that he had successfully addressed

all of the issues of non-compliance except the alley improvements, and that he held regular community meetings to get neighborhood input on the operation.

Scott Mangum, Community Planner, North area, addressed the original Conditional Use Permit, and said that this new operator had been working to correct non-compliance issues. Mr. Mangum added that the applicant's two other recycling locations enjoyed a good reputation.

Commissioner Rouse then moved to approve the modification, subject to conditions as modified in 24g and 24h; and with the requirement that all compliance issues be met within six months, and the alley issue within one year. Commissioner Sramek seconded the motion, which passed 4-0. Commissioners Winn, Stuhlbarg and Gentile were absent.

4. Case No. 0408-11, Waived Tentative Parcel Map, CE 162-04

Applicant: Gary Gensemer
Subject Site: 528, 530 & 532 Tremont Ave.(Council Dist. 3)
Description: Request for approval of Waived Tentative Parcel Map No. 0408-11 for the purpose of creating a three-unit condominium.

Lynette Ferenczy presented the staff report recommending approval of the map since the design and improvements of the proposed subdivision were consistent with the Subdivision and Zoning Regulations as well as the Housing and Land Use Elements of the General Plan, and because it would provide increased home ownership opportunities within the City.

Bill Gensemer, 209 Quincy Avenue, applicant's father, said he felt the project would be better for the neighborhood because it would create owner-occupied homes instead of rentals, with more amenities and nicer landscaping.

Mr. Carpenter said he had talked with applicant Gary Gensemer about the complaints regarding the ongoing construction of the three homes on the site, due to dust, construction damage and parking on the City-owned right-of-way. Mr. Carpenter reported that Mr. Gensemer had promised not to use the right-of-way any longer during construction, and would replace the damaged landscaping. Mr. Carpenter also noted that the three homes currently under construction had originally been designed as rental units, but that the applicant was now asking for an

upgrade to a subdivision so that each unit could be sold individually.

Mr. Gensemer pointed out that the lot had been blighted, and that they were willing to do anything to make sure the neighborhood was not impacted.

Deborah Crow, 602 Quincy, area resident, complained about the current construction situation, stating that right-of-way roadblocks were being circumvented by the applicant's vehicles, and that the entire project was encroaching on the greenbelt. In response to a query from Chairman Greenberg, she stated she was not against the homes as owner-occupied, just concerned about the protection of the greenbelt.

Mr. Carpenter stated that staff felt it was fair to ask the builder to repair the damage caused to the area and to cease using City property for site access; however, off-site improvements necessary to deal with the situation would be difficult to require of the applicant, who would have to volunteer to do the upgrades and work with the Department of Public Works to examine the feasibility of extending the barrier at Tremont. Mr. Gensemer said that they would do anything reasonable to remedy the situation.

David Denevan, 4322 Charlemagne, said that an erosion control system would be necessary to deal with the construction-damaged areas; and that this would be a great opportunity to get trees planted in the right-of-way between Park and Ximeno to provide a buffer between the public land and the homes.

Margaret McCabe, 4616 E. 6th Street, property owner on the right-of-way, agreed with the previous two speakers, adding that she felt the proposed site access off the alley would be too narrow for safety, whether for renters or homeowners.

In response to a query from Chairman Greenberg regarding the alley access, Mr. Carpenter noted that the original 1906 subdivision that created this lot had to be recognized legally, and that the Commission was now acting on a condominium subdivision of this legal lot.

Mr. Mais pointed out that it was obviously not legal to drive on parkland, such use being a citable offense, and he suggested a recommendation be made to the Department of Public Works to construct a barrier at the entry point.

Joan La Rue, 516 Roycroft, asked if the parcel was zoned for three single-family dwellings, and Mr. Mais replied that it was.

Debbie Cruz, 602 Quincy Avenue, expressed concern about the illegal use of the right-of-way, and agreed that the alley would not constitute safe access to the new homes. Ms. Cruz also urged that the construction damage be repaired quickly before the rains came.

Mr. Carpenter suggested that the Director of Planning and Building be empowered to take action to address current and prevent future construction impacts, and that if approved by the Department of Public Works, a barrier could be put across the access point.

Ed Klutz, 517 Roycroft, complained about severe dust and noise impacts to his property from the site construction, and suggested a fence be put from Ximeno to Park to address the issue.

Commissioner Rouse noted that the lack of access control was endemic to the site, and that the Department of Parks Recreation and Marine needed to control such illegal access over the entire six block area. Mr. Rouse also expressed concern about the narrow alley, and added that he did support individual ownership of the units since they couldn't change the number of units allowed on the site.

Commissioner Rouse then moved to approve the Waived Tentative Parcel Map No. 0408-11, subject to revised conditions, including requiring the applicant to remediate all construction damages to the satisfaction of the Directors of Parks, Recreation and Marine; and Planning and Building; and, if necessary, erect a temporary control barrier for the balance of the project to prevent use of the right-of-way as access to the site.
Commissioner Jenkins seconded the motion.

Mr. Jenkins added that although access problems could not have been foreseen in 1906, some effort should now be made to restore the construction damage.

Commissioner Sramek commented that regarding the suggestion to add trees, if the Department of Parks, Recreation and Marine would be tearing up the right-of-way for future flood control and a park, he did not want to interfere with their final design, and he was sure the neighbors would be consulted.

The question was called, and the motion passed 4-0.
Commissioners Winn, Stuhlbarg and Gentile were absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

There were no matters from the Department of Planning and Building.

M A T T E R S F R O M T H E P L A N N I N G C O M M I S S I O N

Commissioner Sramek nominated Commissioner Stuhlbarg for the
position of Chairman. The nomination passed 4-0. Commissioners
Winn, Stuhlbarg and Gentile were absent.

Commissioner Sramek nominated Commissioner Jenkins for the
position of Vice Chairman. The nomination passed 3-0-1, with
Commissioner Jenkins abstaining. Commissioners Winn, Stuhlbarg
and Gentile were absent.

A D J O U R N

The meeting adjourned at 3:10pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk